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10/046,933	10/26/2001	Timothy R. Bratton	21685-06158	8588

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
3621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/046,933	BRATTON ET AL.	
	Examiner	Art Unit	
	Cristina Owen Sherr	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,14-36 and 38-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12, 14-36 and 38-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to applicant's amendment after final rejection filed June 19, 2006. Because the said final rejection was a first action final, the finality of the last office action is hereby with drawn.

Status of the Claims

2. Claims 1, 2, 7, 8, 9,10, 11, 15, 16, 18, 19, 21, 25, 26, 30, 31, 32, 33, 34, 36, 39, 42, 43, 44, 50, 51, 52, 53, 54, 59, and 60 amended. Claims 13 and 37 have been canceled. Claims 1-12, 14-36 and 38-60 are currently pending in this case.

Response to Arguments

3. Applicant's arguments, see applicant's amendment filed June 19, 2006, with respect to the section 112 rejection of claims 1-12, 14-36, and 38-60 have been fully considered and are persuasive with respect to the claims as amended. The section 112 rejection of claims 1-12, 14-36, and 38-60 has been withdrawn.

4. Applicant's arguments with respect to the section 103 rejection of claims 1-12, 14-36, and 38-60 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-12, 14-36,38-60 are rejected under 35 U.S.C. 3 103 as being unpatentable over Mages et al (6185306) in view of ~~any~~ of Secord et al (6373831). gj

7. Regarding claim 1

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose a method for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations.

8. Secord et al (See Figs. 2-5) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art.

9. Regarding the wireless limitations of claim 2, any of Secord et al (See Figs. 2-5) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to disconnect the receiver once reception is complete since wireless charges are based on per minute rates.

10. Regarding deleting limitations of claim 3

It is obvious to delete played media files due the limited storage capacity of mobile wireless devices. Regarding storage limitations of claim 4, Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 3050, Col. 10, linesl-30 and claims 1-8) disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations.

11. Regarding the component limitations of claim 5

Conventional computer components include docking stations that are conventional functional equivalents of the claim limitations.

12. Regarding transmission limitations of claim 6

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations.

13. Regarding description limitations of claim 7

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations.

14. Regarding key limitations of claim 8

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose playing media files from two portions, each of which is

unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncrippling is based on employing a key.

15. Regarding claim 9

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 3050, Col. 10, linesl-30 and claims 1-8) disclose a method for preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations.

16. Secord et al (See Figs. 2-5) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art.

17. Regarding sequencing limitations of claim 10

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 165, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations.

18. Regarding key limitations of claim 11

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncrippling is based on employing a key.

19. Regarding transmission limitations of claim 12

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of separate channels that is conventional the claim limitations.

20. Regarding storage Mages et (See 306 Figs. 3-3, and 12, Cola 4, lines 165, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel from a server that is conventional functional equivalent of the claim limitations.

21. Regarding claim 15

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose a means for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of

filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations.

22. Secord et al (See Figs. 2-5) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art.

23. Regarding the wireless limitations of claim 16

Secord et al (See Figs. 2-5) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to disconnect the complete since wireless charges are receiver once reception is based on per minute rates.

24. Regarding deleting limitations of claim 17

It is obvious to delete played media files due the limited storage capacity of mobile wireless devices.

25. Regarding claim 18

Mages et al (lines 10-50, Col. 8, lines 20-45, Figs. 3-3, and 12, Col. 10, linesl-30) and claims two portions, each of which is conventional functional equivalent of the claim limitations.

26. Regarding key limitations of claim 19

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via separate channel that is conventional functional equivalent the claim limitations because uncrippling is based on employing a sequencing limitations of Abstract (See 306 4, lines 1-65, Col. 8. lines 30-50, Col. 1-8) disclose preparing media files of which is unusable as a media file and delivered via a separate channel that is from each of key.

27. Regarding the memory limitations of claim 20

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations.

28. Regarding configuration limitations of claim 21

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that could obviously be wireless that is conventional functional equivalent of the claim limitations.

29. Regarding termination limitations of claim 22

Secord et al (See Figs. 2-5) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to

disconnect the receiver once reception is complete since wireless charges are based on per minute rates.

30. Regarding the memory limitations of claim 23

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel and stored in a memory means that are conventional functional equivalents of the claim limitations.

31. Regarding removable memory limitations of claim 24

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 165, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as- a media file and each of which is delivered via a separate channel and stored in a memory removable means that is conventional functional equivalent of the claim limitations.

32. Regarding memory limitations of claim 25

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel and stored in a memory means that is conventional functional equivalent of the claim limitations.

33. Regarding claim 26

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50,-Col. 10, linesl-30 and claims 1-8) disclose a means for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations.

34. Secord et al (See Figs. 2-5) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art.

35. Regarding the wireless limitations of claim 27

Secord et al (See Figs. 2-5) show portable wireless computing devices that are conventional functional equivalents of the claim limitations.

36. Regarding playback limitations of claim 28

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations.

37. Regarding the deletion limitations of claim 29, it is obvious to delete played media files due the limited storage capacity of mobile wireless devices.

38. Regarding sequencing limitations of claim 30

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations.

39. Regarding sequencing limitations of claim 31

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations.

40. Regarding claim 32

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesi-30 and claims 1-8) disclose a server means for preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations.

41. Secord et al (See Figs. 2-5) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art.

42. Regarding sequencing limitations of claim 33

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 165, Col. 8. lines 30-50, Col. 10, linesi-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations.

43. Regarding key limitations of claim 34

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncrippling is based on employing a key.

44. Regarding transmission limitations of claim 35

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations.

45. Regarding transmission limitations of claim 36

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations.

46. Regarding storage limitations of claim 38

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 165, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel from a server that is conventional functional equivalent of the claim limitations.

47. Regarding claim 39

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose a means for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations.

48. Secord et al (See Figs. 2-5) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Mages et al because employing portable computing devices are

conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art.

49. Regarding player limitations of claim 40

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel and subsequently played that is conventional functional equivalent of the claim limitations.

50. Regarding reconstruction limitations of claim 41

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 165, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations.

51. Regarding the transceiver limitations of claim 42

Secord et al (See Figs. 2-5) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to disconnect the receiver once reception is complete since wireless charges are based on per minute rates.

52. Regarding configuration limitations of claim 43

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lined-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations.

53. Regarding key limitations of claim 44

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncrippling is based on employing a key.

54. Regarding the request limitations of claim 45

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 165, Col. 8. lines 30-50, Col. 10, lined-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations.

55. Regarding the configuration limitations of claim 46

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations.

56. Regarding the wireless limitations of claim 47

Secord et al (See Figs. 2-5) show portable wireless computing devices that are conventional functional equivalents of the claim limitations.

57. Regarding the memory limitations of claim 48

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which

is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations.

58. Regarding the memory limitations of claim 49

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations.

59. Regarding the wireless limitations of claim 50

Secord et al (See Figs. 2-5) show portable wireless computing devices that are conventional functional equivalents of the claim limitations.

60. Regarding claim 51

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 3050, Col. 10, linesl-30 and claims 1-8) disclose a means for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations.

61. Secord et al (See Figs. 2-5) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Mages et al because employing portable computing devices are

conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art.

62. Regarding key limitations of claim 52

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 3050, Col. 10, linesl-30 and claims 1-8) disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncrippling is based on employing a key.

63. Regarding claim 53

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose a computer medium method for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations.

64. Secord et al (See Figs. 2-5) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Mages et al because employing portable computing devices are

conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art.

65. Regarding the wireless limitations of claim 54

Secord et al (See Figs. 2-5) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to disconnect the receiver once reception is complete since wireless charges are based on per minute rates.

66. Regarding deleting limitations of claim 55

It is obvious to delete played media files due the limited storage capacity of mobile wireless devices.

67. Regarding storage limitations of claim 56

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 3050, Col. 10, linesl-30 and claims 1-8) disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations.

68. Regarding the component limitations of claim 57

Conventional computer components include docking stations that are conventional functional equivalents of the claim limitations.

69. Regarding transmission limitations of claim 58

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) disclose playing media files from two portions, each of which

is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations.

70. Regarding description limitations of claim 59

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations.

71. Regarding key limitations of claim 60

Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, linesl-30 and claims 1-8) disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncrippling is based on employing a key.

72. Examiner's Note: Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

73. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

74. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

75. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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